

SM Exhibit CL

LAUTERBORN

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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----

5 ADRIAN SCHOOLCRAFT,

6 Plaintiff,

7 -against-

8

9 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL  
10 MARINO, Tax ID. 873220, Individually and in  
11 his Official Capacity, ASSISTANT CHIEF  
12 PATROL BOROUGH BROOKLYN NORTH GERALD  
13 NELSON, Tax Id. 912370, Individually and in  
14 his Official Capacity, DEPUTY INSPECTOR  
15 STEVEN MAURIELLO, Tax Id. 895117,  
16 Individually and in his Official Capacity,  
17 CAPTAIN THEODORE LAUTERBORN, Tax Id.  
18 897840, Individually and in his Official  
19 Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.  
20 919124, Individually and in his Official  
21 Capacity, ST. FREDERICK SAWYER, Shield No.  
22 2567, Individually and in his Official  
23 Capacity, SERGEANT KURT DUNCAN Shield No.  
24 2583, Individually and in his Official  
25 Capacity, LIEUTENANT CHRISTOPHER BROSCHEART,

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1  
2 Tax Id. 915354, Individually and in his  
3 Official Capacity, LIEUTENANT TIMOTHY  
4 CAUGHEY, Tax Id. 885374, Individually and  
5 in his Official Capacity, SERGEANT SHANTEL  
6 JAMES, Shield No. 3004, Individually and in  
7 his Official Capacity, and P.O.'s"JOHN DOE"  
8 #1-50, Individually and in their Official  
9 Capacity, (the name John Doe being  
10 fictitious, as the true names are presently  
11 unknown) (collectively referred to as "NYPD  
12 Defendants"), JAMAICA HOSPITAL MEDICAL  
13 CENTER, DR. ISAK ISAKOV, Individually and  
14 in his Official Capacity, DR. LILLIAN  
15 ALDANA-BERNIER, Individually and in her  
16 Official Capacity, and JAMAICA HOSPITAL  
17 MEDICAL CENTER EMPLOYEE'S"JOHN DOE" #1-50,  
18 Individually and in their Official  
19 Capacity, (the name John Doe being  
20 fictitious, as the true names are presently  
21 unknown),

22 Defendants.

23 -----

24 111 Broadway  
25 New York, New York

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2 November 7, 2013

3 10:10 A.M.

4

5 VIDEO DEPOSITION of THEODORE  
6 LAUTERBORN, the Defendant in the  
7 above-entitled action, held at the above  
8 time and place, taken before Dawn Miller, a  
9 Notary Public of the State of New York,  
10 pursuant to court order and stipulations  
11 between Counsel.

12 \* \* \*

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2 refers to?

3 MS. METTHAM: Objection. You  
4 can answer.

5 A. I don't think so.

6 Q. Did you ever witness any  
7 downgrading or improper classifications  
8 going on at the 81?

9 MS. METTHAM: Objection. You  
10 can answer.

11 A. No.

12 Q. Were there any numerical quotas  
13 imposed on the Police Officers at the 81?

14 MS. METTHAM: Objection. You  
15 can answer.

16 A. No.

17 Q. Can you tell me the first time  
18 that you learned or suspected that there  
19 was a Quad Investigation of the 81?

20 MS. METTHAM: Objection. Asked  
21 and answered. You can answer again.

22 MR. KRETZ: Objection.

23 A. I can't say what time or what  
24 date I learned of it.

25 Q. Can you tell me when you first

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2       suspected that there was a Quad  
3       Investigation going on?

4                   MS. METTHAM: Objection.

5       A.        Sometime in the summer of 2009.

6       Q.        What triggered that suspicion on  
7       your part?

8       A.        The request for a couple hundred  
9       Complaint Reports.

10      Q.        Who made that request?

11      A.        I don't know who it was.

12      Q.        How did you learn about the  
13     request?

14      A.        Through conversations with  
15     Inspector Mauriello.

16      Q.        He told you or you told him?

17      A.        He brought it up. He knew that  
18     it was from -- what I could remember, he  
19     knew they were pulled.

20      Q.        When did you first learn that  
21     Schoolcraft was recording members of the  
22     service?

23      A.        Well, I had some idea on the  
24     night of October 31st when we saw the  
25     recording device.

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2 Q. Did you have any idea that he was  
3 recording members of the service before  
4 that?

5 A. No.

6 Q. Did you ever have any discussion  
7 with anybody about the fact that  
8 Schoolcraft was recording members of the  
9 services before October 31, 2009?

10 A. Again, it was overheard in  
11 conversations that there was speculation of  
12 people recording.

13 Q. I want to know about speculations  
14 about Schoolcraft recording, when were  
15 those speculations going on?

16 A. I can't say, specifically, when  
17 but it was just throughout the year.

18 Q. Throughout 2009?

19 A. Throughout 2009.

20 Q. Did anybody ever confront him  
21 about that?

22 A. I don't know.

23 MS. METTHAM: Objection. You  
24 can answer.

25 Q. When did you first learn that

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2 Schoolcraft left the precinct on October  
3 31st?

4 A. Exactly when it was, about 1:30,  
5 2:00, sometime later in the afternoon,  
6 around there.

7 Q. How did you find out that he  
8 left?

9 A. The Sergeant came in and told me.

10 Q. What Sergeant?

11 A. I think her name was Huffman,  
12 Sergeant Huffman.

13 Q. Was anybody else present for that  
14 conversation?

15 A. I don't think so. She come into  
16 my office and I was alone. It was just me  
17 and her.

18 Q. Where was Inspector Mauriello at  
19 that time?

20 A. I don't know, he wasn't in.

21 Q. What did she tell you?

22 A. Basically that Adrian Schoolcraft  
23 just got up from his assignment and wanted  
24 to leave because he was sick, he proceeded  
25 downstairs.

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2 and if there was somebody else that could  
3 reach out to him.

4 Q. When you told Mauriello what was  
5 going on, what did he tell you?

6 A. I gave him the run-down of what  
7 happened a short time ago and he asked me  
8 what I was doing and I told him, "We are  
9 trying to reach out to him and see the  
10 extent of his sickness and why he left the  
11 way he did."

12 Q. Did Mauriello tell you to notify  
13 anybody about your investigation into  
14 Schoolcraft's status or sickness?

15 MS. METTHAM: Objection. You  
16 can answer.

17 A. No, I don't believe he did.

18 Q. What happened next?

19 A. Again, in summary, there was a  
20 new tour coming in. I had approached  
21 Lieutenant Broschart about him having to go  
22 to Adrian Schoolcraft's house to see if he  
23 went home.

24 Q. You told Broschart to go to his  
25 home and find out if he was there; is that

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2 right?

3 A. Yes.

4 Q. What happened next?

5 A. I was waiting for Broschart to  
6 get to his house to see the results of  
7 that.

8 Q. You were waiting at the 81?

9 A. Yes.

10 Q. Did Broschart eventually report  
11 back to you?

12 A. Yes, he did.

13 Q. When did he do that?

14 A. I don't know the exact time but  
15 there was a point where he either -- he  
16 reached out to me or I called him. From  
17 what I could remember, he said he tried  
18 knocking on the door, yelling Adrian's  
19 name, there was no answer. He interviewed  
20 the landlord who said that he had come  
21 home. I don't know if he said he saw him  
22 come home or he heard him upstairs, and  
23 Lieutenant Broschart thought that he saw  
24 movement through the front window, he lived  
25 on the second floor, but he couldn't be one

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2 Q. Who gave you the key?

3 A. The landlord.

4 Q. Which one; the man or the woman?

5 A. I don't know, I don't know.

6 Q. Did they put it --

7 MS. METTHAM: The witness did  
8 not finish.

9 A. I don't even know if they exactly  
10 gave it to me or the Lieutenant.

11 Q. So when you got to the residence,  
12 you went to the door. When you say, "You  
13 went up to the door," you went upstairs to  
14 the second floor, right?

15 A. Yes.

16 Q. How did you get past the first  
17 door on the street level?

18 A. It was opened already.

19 Q. After you knocked on the door,  
20 what did you do?

21 A. That's when I think I went down  
22 to the see the landlord. At that point, I  
23 don't know the sequence of the events;  
24 whether I met the landlord first, then I  
25 went upstairs and knocked, then he came

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2 down and gave me the key. All of that  
3 transpired, you know, in that moment of  
4 time.

5 Q. After you knocked on the door and  
6 you didn't get an answer, did you leave the  
7 residence and go down to the street?

8 A. Again, I couldn't really tell you  
9 the sequence of events. I don't know what  
10 I did first or second but, in general, at a  
11 certain point, I did come down onto the  
12 street.

13 Q. Had you, at that time, spoken  
14 with Larry Schoolcraft that day?

15 A. At that time, I don't know when I  
16 spoke to him. As I said earlier, I don't  
17 know how many times we talked in total, you  
18 know. I couldn't tell you. There were a  
19 lot of things going on.

20 Q. I asked you about this earlier in  
21 the day, when there was a time when you  
22 were speaking with Larry Schoolcraft, the  
23 father, and you indicated that if you had  
24 some sort of confirmation either directly  
25 on the phone with Schoolcraft, Adrian

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2 A. Not that I recall.

3 Q. Do you recall how the key was  
4 obtained to his door?

5 MS. METTHAM: Objection. Asked  
6 and answered. You can answer again.

7 A. Got it from the landlord.

8 Q. I know that but do you remember  
9 who actually got it in hand from the  
10 landlord?

11 A. Yeah, I don't remember.

12 Q. Then what happened after you got  
13 -- "We got the key from the landlord,"  
14 what happened?

15 MS. METTHAM: Objection.

16 A. I don't know the order of events,  
17 how we came together and made the decision  
18 that we were going to make entry into his  
19 house using the key. It was decided that  
20 the Emergency Service guys would go in  
21 first utilizing his key.

22 Q. How were they dressed, the EMS  
23 guys, Emergency ESU guys?

24 MS. METTHAM: Objection. Asked  
25 and answer. You can answer again.

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2           A.       They were in their basic uniform,  
3       no special equipment.

4           Q.       They didn't have a shield out?

5           A.       No.

6           Q.       Did they have guns drawn?

7                   MS. METTHAM: Objection. Asked  
8       and answered. He can answer again.

9           A.       I don't recall, I don't remember  
10      seeing any guns out.

11          Q.       Before the entry was made, did  
12      you tell the landlord that he and his  
13      family should move away from the part where  
14      the entry was going to take place?

15          A.       I think we did have them come out  
16      of their apartment at a certain point and  
17      that we would let them know when it was  
18      okay for them to come in.

19          Q.       You told them to get out of their  
20      apartment and the building for their  
21      safety, right?

22          A.       Yes.

23          Q.       What were you concerned about for  
24      their safety?

25          A.       Well, I don't know, anything